

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	1620.00
COMPLAINT INVESTIGATOR:	Steve Starbuck
DATE OF COMPLAINT:	September 19, 2000
DATE OF REPORT:	October 17, 2000
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 20, 2000

COMPLAINT ISSUES:

Whether the Bartholomew Consolidated School Corporation and the Bartholomew Special Services Cooperative violated:

511 IAC 7-12-1(e) with regard to the school's alleged failure to include in the case conference committee (CCC) meeting a representative with the authority to commit public agency resources.

34 CFR 300.344(a)(2) and 511 IAC 7-27-3(a)(3) with regard to the school's alleged failure to include in the CCC meeting at least one general education teacher.

511 IAC 7-17-72 with regard to the school's alleged failure to identify a teacher of record for a student with a disability.

511 IAC 7-12-1 and 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education plan (IEP), specifically:

- a. failing to provide physical therapy services during the 1999-2000 school year;
- b. failing to provide access to a computer on a daily basis;
- c. failing to provide music class; and
- d. including the student in physical education when this class was not determined by a CCC as part of the student's instructional day.

FINDINGS OF FACT:

1. The student is eight years old and attends the third grade. He has been determined eligible for special education due to a severe mental disability and a communication disorder.
2. The first page of the IEP dated February 12, 2000, lists the CCC meeting participants. In attendance were the parent, the special education teacher, and the speech-language pathologist. There is no documentation to indicate that a school representative with the authority to commit public agency resources attended this particular CCC meeting.
3. A CCC meeting was convened on August 23, 2000, to write the student's IEP for the 2000-2001 school year. During the 2000-2001 school year the student has attended a general education music class. Page six of the IEP dated August 23, 2000, reflects that a general education teacher did not attend this CCC meeting.

4. The parent alleges that the student's teacher of record was not identified on the student's IEP dated August 23, 2000. The parent provided a copy of the IEP where wording next to the space where the teacher of record's name is to be listed is marked out. The school provided a copy of the August 23, 2000, IEP where the teacher of service is listed on the IEP as the student's teacher of record. Page SE 16 of the IEP lists the teacher of service as the student's teacher of record. The director reports in her response that the school decided the student's teacher of service would also be the student's teacher of record. Based on Department of Education records, the student's teacher of record is appropriately licensed to be the student's teacher of record.
5. The duration of the student's IEP dated February 12, 1999, was from February 15, 1999, to February 14, 2000. The IEP indicates the student will receive physical therapy for 20 to 30 minutes, one time per week, in the student's classroom. The school did provide nine week progress report comment sheets for the second, third, and fourth grading periods for the 1999-2000 school year; however, documentation to verify that the student received physical therapy as specified in the IEP dated February 12, 1999, was not provided.
6. Form SE 8 E-1 of the IEP dated August 23, 2000, indicates the student will use the computer daily using his left hand. The director's response reflects that both the student's teacher and principal advised the director that the student has direct use of the computer on a daily basis.
7. The director reports in her response that the student's class schedule dated September 25, 2000, indicates the student will attend music class four days per week. The parent provided two class schedules that reflect the student is scheduled to attend music class three days per week. The director did not supply the Division with any documentation to verify that the student is attending music class.
8. Class schedules dated September 11, 18, and 25, 2000, reflect that the student is to participate in physical education each Wednesday at 9:15 a.m. The IEP dated August 23, 2000, indicates the student requires a specially designed physical education class. The IEP dated August 23, 2000, specifies at the request of the parent the student is to receive a shortened instructional day. The IEP does not address what classes the student will participate in on a daily basis.

CONCLUSIONS:

1. Finding of Fact #2 reflects the school failed to include in the CCC meeting a representative with the authority to commit public agency resources. Therefore, a violation of 511 IAC 7-12-1(e) is found.
2. Finding of Fact #3 indicates the school failed to include in the CCC meeting at least one general education teacher. Therefore, violations of 34 CFR 300.344(a)(2) and 511 IAC 7-27-3(a)(3) are found.
3. Finding of Fact #4 reflects the school identified in the IEP dated August 23, 2000, a teacher of record for the student. Therefore, no violation of 511 IAC 7-17-72 is found.
4. Finding of Fact #5 indicates the school failed to document that physical therapy services were provided to the student during the 1999-2000 school year as specified in the IEP dated February 12, 1999. Therefore, violations of 511 IAC 7-12-1 and 511 IAC 7-27-7(a) are found.
5. Finding of Fact #6 reflects the school provided the student with access to a computer on a daily basis as specified in the IEP dated August 23, 2000. Therefore, no violations of 511 IAC 7-12-1 and 511 IAC 7-27-7(a) are found.

6. Finding of Fact #7 indicates the school failed to document that the student is attending music class. Therefore, violations of 511 IAC 7-12-1 and 511 IAC 7-27-7(a) are found.
7. Finding of Fact #8 reflects the IEP does not specify the student's daily class schedule. Therefore, no violations of 511 IAC 7-12-1 and 511 IAC 7-27-7(a) are found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Bartholomew Consolidated School Corporation and the Bartholomew Special Services Cooperative shall:

1. Convene a CCC meeting to determine the need for music and physical therapy compensatory services. Submit a copy of the Case Conference Summary Report and any revised IEP to the Division no later than November 17, 2000.
2. Submit an assurance statement to the Division no later than November 17, 2000, ensuring that the requisite CCC members are present at all future CCC meetings.
3. In-service all appropriate personnel within the school corporation as to the requirements specified in 511 IAC 7-27-3 and 511 IAC 7-27-7. Submit documentation to the Division that the in-service training has been completed no later than November 17, 2000. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.

DATE REPORT COMPLETED: October 17, 2000